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and therefore without the jurisdiction of this court. And further, his wages were exempt to him by virtue of the laws of the State in which he lived. The court held that exemption laws have no extraterritorial force, but that as the indebtedness of the garnishee to the employee does not follow the domicile of the creditor, the Colorado court could have no jurisdiction.

Garnishment—Priority of Jurisdiction of Different Courts—Liability of Defendant.—*Mack v. Winslow*, 16 U. S. App. 602. D instituted a suit for the recovery of a debt against B. & Sons in a Kentucky court, and the defendant removed said suit to a circuit court of the United States, where judgment was rendered for the plaintiff. During the pendency of this suit and before judgment had been rendered, M began suit for the recovery of a debt against D in an Ohio State court, and on the ground of D's non-residence, garnisheed the debt owing D from B. & Sons. The Ohio court rendering judgment for D ordered B. & Sons, the garnissees, to pay the amount of the judgment to D, whereupon B. & Sons filed a bill of interpleader in the United States Circuit Court for the District of Kentucky, Ricks, District Judge, delivering the opinion of that court: “The prior pendency of a suit involving the same subject-matter is the test of priority in jurisdiction. * * * The defendants in the suit in the United States Circuit Court, under the authority of *Wallace v. McConnell*, 13 Pet. 136, were not therefore amenable to the garnishee process under the attachment proceedings in the Ohio court * * * but were first bound to answer fully the orders and judgments of the United States Circuit Court, and having done so were protected thereby.

LIENS.

Notice.—*Alexandria Building Co. v. McHugh*, 40 N. E. Rep. 80 (Ind.). “After the contract has been once completed and the statutory limitation begins to run, can a party revive an expired right of lien which he has lost in consequence of laches, by performing some work in the house, such as merely patching the plastering, after work has been substantially completed?” Ross, C. J., held that if the appellee fails to file notice of his intention to hold a lien within the time designated by the statute, his right thereto is lost.

Mechanics' Liens—Certificate—Consent of Owner—Labor.—*Border, et al. v. Mercer*, 39 N. E. Rep. 413. A claimant of a mechanics'

lien will not be denied if his certificate sets out a true account of the amount due him with all just credits given, although he fails to set out the contract price, there being no intention to mislead and no one being actually misled. Advances made to intervening contractors by the owner of the building will imply the latter's consent. The contractor may charge the profit on labor above the market price if it can be shown what such labor was worth.

Mortgage—Priority of Mechanics' Lien—Foreign Corporations.—*Chapman v. Brewer, et al.*, 62 N. W. Rep. 320 (Neb.). This was an action of foreclosure upon a real estate mortgage. Besides the Brewers a manufacturing company was made a defendant. A cross-bill was filed by this company, setting up a mechanic's lien prior in point of time to the mortgage of Chapman, and the court held that the lien of a mechanic was superior to a real estate mortgage, provided the latter was not recorded before any materials were furnished or actual work commenced; and that mortgages taken while a building is being erected are subject to the liens of mechanics.

Mechanic's Lien—Liability of Testator's Estate—Devisee's Exemption.—*Tubridy v. Wright, et al.*, 39 N. E. 640 (N. Y.). Action brought against executors of deceased to foreclose a mechanic's lien. Plaintiff had contracted with deceased to do certain work on the latter's real property, but the deceased died before contract was completed. The executors, to whom deceased had devised his property in trust, ordered plaintiff to complete the contract, which he did. Thereafter, within the time prescribed by statute, a lien was filed against the property for the entire sum then remaining unpaid upon the contract. Held, that plaintiff could only recover for that work done under direct orders of the executors.

LIMITATIONS.

Limitations—Suspension by Non-residence.—*Batchelder v. Barber*, 31 Atl. Rep. 293 (Vt.). In order to claim under the statute of limitations for non-residence of debtor it is necessary to show that such debtor, while residing without the State, did not have known property within the State that could have been attached by the common process of law.

Adverse Possession—Limitation—Running of Statute—Change of Statute.—*MacAuliff v. Parker*, 38 Pac. Rep. 744. The Statute of